

**TOWN OF NORTH HEMPSTEAD  
BOARD MEETING  
SPECIAL TOWN BOARD MEETING AGENDA**



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**April 28, 2015**

**7:00 PM**

**CONTINUATIONS:**

1. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF G & G ACQUISITIONS GROUP, LLC FOR A CHANGE OF ZONE FROM "RESIDENCE-C" TO "SENIOR RESIDENCE" FOR THE PREMISES KNOWN AS OLIVE HILL AT MANHASSET AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 2, BLOCK 347, LOTS 16 AND 17.

Synopsis: The proposed action is for the rezoning from "Residence-C" to "Senior Residence" and subsequent construction of a 72-unit senior multiple residence on a 3.19-acre parcel. Continued from November 18, 2014.

**ADDED STARTERS:**

2. A RESOLUTION TO ADOPT THE STATE ENVIRONMENTAL QUALITY REVIEW STATEMENT OF FINDINGS CONCERNING OLIVE HILL AT MANHASSET.

Synopsis: The proposed action is a 72-unit senior residential complex. The Final Environmental Impact Statement was accepted on March 31, 2015.

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**Councilwoman Kaplan offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 327-2015**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF G & G ACQUISITIONS GROUP, LLC FOR A CHANGE OF ZONE FROM "RESIDENCE-C" TO "SENIOR RESIDENCE" FOR THE PREMISES KNOWN AS OLIVE HILL AT MANHASSET AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 2, BLOCK 347, LOTS 16 AND 17.**

**WHEREAS**, G & G Acquisitions Group, LLC (the "Petitioner") has filed a petition (the "Petition") to rezone (the "Change of Zone") a 3.19 acre parcel known as Olive Hill and located on High Street in Manhasset, New York and designated on the Nassau County Land and Tax Map as Section 2, Block 347, Lots 16 and 17 (the "Premises"), from "Residence-C (R-C)" to "Senior Residence (R-S)", in order to construct a 72-unit senior multiple residence; and

**WHEREAS**, according to the Zoning Map of the Town of North Hempstead (the "Map"), a portion of the Premises is located within an area currently designated as a Residence C (R-C) zoning district; and

**WHEREAS**, pursuant to Resolution No. 713-2014 duly adopted on October 29, 2014, the Town Board (the "Board") of the Town of North Hempstead (the "Town") authorized, pursuant to Town Code § 70-238(B)(2), the publication of notice of hearing and the holding of a public hearing to consider the proposed Change of Zone pursuant to the petition; and

**WHEREAS**, a public hearing on the Change of Zone was held on November 18, 2014, which public hearing was continued to a date to be established by this Board; and

**WHEREAS**, pursuant to Resolution No. 234-2015 duly adopted on March 31, 2015, this Board authorized, pursuant to Town Code § 70-238(B)(2), the publication of notice of hearing and the continuation of the aforesaid a public hearing to consider the proposed Change of Zone pursuant to the petition; and

**WHEREAS**, proof of service of notice required by Town Code § 70-238(B)(2) has been filed; and

**WHEREAS**, the Applicant has furnished proof of posting of a sign on the Premises as required by Town Code § 70-238(B)(3) and filed an affidavit as to the posting as required thereunder; and

**WHEREAS**, after notice duly given, a continued public hearing on the Change of Zone was held on April 28, 2015, which was continued from a public hearing held on November 18, 2014, affording all interested persons an opportunity to be heard (the "Public Hearing"); and

**WHEREAS**, it is required that a "lead agency" be established to review this action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act as set forth in Section 617.6 of Title 6, Part 617 of the Official Compilation of Code, Rules and Regulations of the State of New York (the "SEQRA Regulations"); and

**WHEREAS**, this Board has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

**WHEREAS**, pursuant to Resolution No. 233-2015 duly adopted on March 31, 2015, pursuant to the SEQRA Regulations, this Board authorized the Commissioner of the Department of Planning and the Environment (the "Commissioner") to publish a Notice of Completion of a Final Environmental Impact Statement (the "Final EIS") relating to the Change of Zone and afforded members of the public until April 15, 2015 to submit comments on the Final EIS; and

**WHEREAS**, pursuant to a resolution adopted by the Board concurrently with this resolution and further pursuant to the SEQRA Regulations, this Board adopted and issued a Statement of Findings prepared by the Commissioner regarding the Change of Zone; and

**WHEREAS**, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with copies of the application; and

**WHEREAS**, on November 13, 2014, pursuant to Resolution No. 9974-14, the Commission stated that it would review the Change of Zone after a final environmental impact statement and statement of findings were issued by the Town; and

**WHEREAS**, on March 26, 2015, a copy of the Final EIS was sent to the Commission; and

**WHEREAS**, as at least thirty (30) days have elapsed since such materials have been submitted to the Commission without a response by the Commission, this Board may take final action on the Application pursuant to General Municipal Law § 239-m; and

**WHEREAS**, the Planning Department has reviewed the Change of Zone and recommends that it be approved; and

**WHEREAS**, having carefully considered the petition, the testimony and other relevant evidence at the Public Hearing, and afforded all interested persons the opportunity to be heard, this Board now wishes to render a decision.

**NOW, THEREFORE, BE IT,**

**RESOLVED** that this Board hereby incorporates the findings made in the Statement of Findings adopted and issued concurrently with this resolution; and be it further

**RESOLVED** that this Board hereby authorizes the Planning Department to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determinations and findings made pursuant to the SEQRA Regulations; and be it further

**RESOLVED** that the Change of Zone is hereby adopted; and be it further

**RESOLVED** that the Town Clerk is hereby authorized to publish and post, as required pursuant to Chapter 70 of the Town Code, a notice substantially in the form set forth below:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of North Hempstead at a public meeting of the Board held on April 28, 2015 at 7:30 P.M. on that day, at the Town Hall, 220 Plandome Road, Manhasset, New York, duly adopted a resolution to amend the zoning map of the Town of North Hempstead to reflect a change of zone, from "Residence C (R-C)" to "Senior Residence District (R-S)", of a 3.19 acre parcel known as Olive Hill and located on High Street in Manhasset, New York and identified on the Nassau County Land and Tax Map as Section 2, Block 347, Lots 16 and 17, in order to construct a 72-unit senior multiple residence.

**Dated:** Manhasset, New York  
April 28, 2015

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

; and be it further

**RESOLVED** that the Commissioner and the Zoning Administrator be, and hereby are, directed to take such other action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York  
April 28, 2015

The vote on the foregoing resolution was recorded as follows:

AYES: Councilman Ferrara, Councilwoman Kaplan, Councilwoman Seeman,  
Councilman Zuckerman, Supervisor Bosworth

NAYS: None

CC: Town Attorney      Comptroller      Planning      Building      NC Assessors

## **NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a Special Meeting of the Town Board of the Town of North Hempstead will be held on April 28, 2015 at 7:00 p.m. in the Town Board Room located at Town Hall, 220 Plandome Road, Manhasset, New York, to consider a change of zone application and make certain findings relating to the premises known as Olive Hill at Manhasset and designated as Section 2, Block 347, Lots 16 and 17 on the Land and Tax Map of the County of Nassau and to consider any other business that may come before the Board.

Dated:           Manhasset, New York  
                  March 31, 2015

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR., TOWN CLERK**

## **NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead on April 28, 2015, at 7:00 p.m. in Town Hall, 220 Plandome Road, Manhasset, New York, to consider the petition of G & G Acquisition Group LLC to rezone a 3.19 acre parcel known as Olive Hill and located on High Street in Manhasset, New York from 'Residence-C' to 'Senior Residence', in order to construct a 72-unit senior multiple residence, and to hear all interested persons concerning the petition.

**PLEASE TAKE FURTHER NOTICE** that the property which is the subject of this petition is designated on the Nassau County Land and Tax Map as Section 2, Block 347, Lots 16 and 17.

**Dated:** Manhasset, New York  
March 31, 2015

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

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**Councilwoman Kaplan offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

**RESOLUTION NO. 326-2015**

**A RESOLUTION TO ADOPT THE STATE ENVIRONMENTAL QUALITY REVIEW STATEMENT OF FINDINGS CONCERNING OLIVE HILL AT MANHASSET.**

**WHEREAS**, G & G Acquisitions Group, LLC (the "Project Sponsor") has proposed to develop a 3.19 acre parcel known as Olive Hill and located on High Street in Manhasset, New York and known and designated on the Nassau County Land and Tax Map as Section 2, Block 347, Lots 16 and 17 (the "Premises") to construct a 72-unit senior multiple residence (the "Project"); and

**WHEREAS**, the Project entails a change of zone of the Premises from "Residence-C" (R-C) to "Senior Residence District" (R-S) (the "Change of Zone"); and

**WHEREAS**, pursuant to Resolution No. 233-2015 duly adopted on March 31, 2015, the Town Board of the Town of North Hempstead, in accordance with the State Environmental Quality Review Act (the "Act") and its implementing regulations (the "Regulations") adopted and accepted a Notice of Completion of a Final Environmental Impact Statement (the "Final EIS") for the Project and the Change of Zone and established April 15, 2015 as the date by which any written comments may be submitted by the public relating to the Final EIS; and

**WHEREAS**, any comments regarding the Final EIS that have been received by the Town and the Final EIS have been considered by the Commissioner of the Department of Planning and the Environment (the "Commissioner"); and

**WHEREAS**, the Commissioner has prepared a Statement of Findings for the Project pursuant to the Section 617.11 of the Regulations; and

**WHEREAS**, the Town Board, as lead agency, has reviewed and desires to adopt the Statement of Findings.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Statement of Findings as prepared by the Commissioner be and hereby is adopted and issued; and be it further

**RESOLVED** that the Town Board hereby authorizes and directs the Commissioner to file the Statement of Findings with the Town Supervisor, the Town Clerk, and all involved agencies pursuant to Section 617.12(b)(1) of the Regulations, and to maintain them in files readily accessible

to the public and made available on request pursuant to Section 617.12(b)(3) of the Regulations; and be it further

**RESOLVED** that the Board hereby authorizes the Commissioner to take such other action as may be necessary to effectuate the foregoing.

Dated:           Manhasset, New York  
                  April 28, 2015

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilman Ferrara, Councilwoman Kaplan, Councilwoman Seeman,  
      Councilman Zuckerman, Supervisor Bosworth

Nays: None



State Environmental Quality Review

Statement of Findings

OLIVE HILL at MANHASSET

Town of North Hempstead

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This document is a Findings Statement prepared pursuant to and is required by Article 8 of the State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617. The North Hempstead Town Board, as the Lead Agency, draws upon the information from the following to make the findings listed herein with regard to the referenced action:

- Draft Environmental Impact Statement (DEIS) accepted by the Town Board of North Hempstead on October 28, 2014;
- Information and testimony received at duly noticed Public Hearing, held on November 18, 2014;
- Written comments received on the DEIS; and
- The Final Environmental Impact Statement (FEIS) accepted March 31, 2015.

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## **Project Summary**

### **Name of Action**

Olive Hill at Manhasset

### **Location**

The Subject Property is located 148-feet proximate to the southwest corner of the intersection of High Street and Community Drive in the Hamlet of Manhasset, Town of North Hempstead, Nassau County, New York.

It is identified on the Nassau County Tax and Land Map as Section 2, Block 347, Lots 16 and 17

### **Brief Description of Proposed Action/Purpose and Need**

The proposed action consists of a change of zone of a 3.19-acre parcel from ‘Residence-C’ (R-C) to ‘Senior Residence District’ (R-S) to enable the construction of a senior housing complex (60,450 gross square feet) with 72 age-restricted units.

The Olive Hill at Manhasset purports to meet the increasing demand for affordable senior housing with increased living space as intended by the North Hempstead ‘Senior Residence’ zoning district and the housing goals and policies identified in the 1998 Nassau County Comprehensive Plan.

### **Town Board Jurisdiction**

Pursuant to SEQRA, the North Hempstead Town Board, as Lead Agency, is responsible for supervision of the environmental review process and has jurisdiction to approve a change of zone and to subsequently grant site plan approval.

### **SEQRA Record and Procedures**

In accordance with the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, the following elements of the SEQRA process have been undertaken:

1. Notice of Intent to Declare Lead Agency ..... September 26, 2014
2. Designation of Lead Agency .....October 29, 2014
3. Acceptance of Draft Environmental Impact Statement .....October 29, 2014
4. Notice of Completion and Notice of Public Hearing ..... November 1, 2014
5. Public Hearing .....November 18, 2014

6. Deadline for public comments ..... December 1, 2014
7. Receipt of Final Environmental Impact Statement ..... March 26, 2015
8. Filing of the FEIS and a Notice of Completion ..... April 1, 2015
9. FEIS consideration period ..... April 24, 2015
10. Adoption of Findings Statement ..... scheduled for April 28, 2015

As required under SEQRA, the Town Board solicited comments at a public hearing held on November 18, 2014. Additionally, the DEIS was made available for public review on the Town's website and office of the Town Clerk. All relevant comments received, whether oral or written, were addressed in the FEIS.

This Findings Statement also reflects the Town Board's effort to involve Interested and Involved Agencies, defined as those that either have jurisdiction to approve the action, to issue certain permit or permits associated with the action, or wish to participate in the review process because of their concern about the proposed action. The following Involved and Interested agencies have been identified and have received all of the relevant documents:

- Great Neck Water Pollution Control District
- Manhasset-Lakeville Fire Department
- Manhasset-Lakeville Water District
- Manhasset Public School District
- Nassau County Department of Health
- Nassau County Department of Public Works
- Nassau County Planning Commission
- Nassau County Police Department
- New York State Department of Environmental Conservation

In addition to SEQRA review, it is anticipated that the following permits and agency approvals will be required:

- North Hempstead Town Board - change of zone and site plan approval
- North Hempstead Board of Zoning Appeals – variances for height of retaining walls
- Nassau County Dept. of Health – sanitary connection; backflow prevention
- Nassau County Dept. of Public Works – permit for work abutting a County road
- NYS Dept. of Environmental Conservation – SPDES permit (stormwater system)

### **Existing Conditions**

The subject property is a 3.19-acre tract of land located on the west side of Community Drive, south of High Street, in the hamlet of Manhasset, Town of North Hempstead, Nassau County, New York. (NCTM No. Section 2, Block 347, Lots 16 and 17).

### **Site History**

The Site was utilized by the Long Island Lighting Company (LILCO) from approximately 1936 until 1970 and contained a “Horton Sphere” used for the storage of pressurized natural gas. Mount Olive Baptist Church acquired the property from LILCO in 1973 and is the current owner. There have been several attempts to redevelop the site for multi-family housing over the years. Until the current application, the most serious attempt was in 2001. That effort, however, was abandoned shortly after the Town Board issued a Positive Declaration for the rezoning application.

### **Existing Land Use**

Presently, the site is characterized by densely populated natural vegetation: woodland, shrubs, grass and weeds (3.184 acres/ 99.8% of Site). The only manmade structure is an asphalt paved surface (0.006 acres/ 0.2% of the Site), utilized as a parking lot for the Mount Olive Baptist Church. There have been no buildings on the site since the structures associated with LILCO were dismantled and removed from the property in 1970.

Land uses within a half mile of the site are predominantly residential, community services and public parks/recreation:

*North:* Residential and commercial properties are situated along the south side of Northern Boulevard (NYS Route 25A), west of Community Drive. Commercial properties primarily occupy the north side of Northern Boulevard. This area is followed by a large residential development along with three commercial properties and four community service uses, inclusive of the Thomaston Water Tank (5 Summer Street). Located along the west side of Shore Road are commercial properties and a community service use. Opposite these properties, on the east side of Shore Road, is Manhasset Valley Park which is bounded by Northern Boulevard to the south and Maple Street to the east. A community service facility and commercial development are located east of Maple Street. East of Community Drive and south of Northern Boulevard is Whitney Pond Park followed by a commercial district and a residential district.

*East:* Whitney Pond Park is located on the east side of Community Drive and is bounded generally by Community Drive East to the south and east. The Nassau County Police 6th Precinct is located on the southeast corner of the intersection of Community Drive and

Community Drive East, opposite the Subject Property. Situated along the south side of Community Drive East are Company No. 2 of the Manhasset-Lakeville Fire Department and the Macy's Department Store, respectively. East of Macy's is a residential development known as Terrace Manor.

*South:* Directly south of the Spinney Hill Apartments are: Pond Hill Road, the Julian and Israel Waldbaum Dialysis Center, Highfield Gardens Care Center and the Fresh Meadow Country Club. Residential properties are primarily situated southwest of the site. To the south-southeast, is a large residential development located on the east side of Community Drive. Further south and along the east side of Community Drive are commercial properties and the Sandra Atlas Bass Campus of North Shore University Hospital.

*West:* West of the Hagedorn Community Center is a large residential development followed by commercial properties that are situated along Northern Boulevard.

Since the site is uninhabited, there is presently a low demand for public services. However, there have been occasional calls for the police or fire departments due to outside influences/users (illegal dumping and trespassing) or public works services for specific incidents (i.e., flood condition).

## **Existing Zoning**

The Subject Property is located in the 'Residence-C' (R-C) zoning district. As per Chapter 70, Article VI, Section 44 of the North Hempstead Town Code, the R-C District allows construction of the following (conditional uses are not listed herein):

### *§70-44: Permitted Uses – Residence-C*

- A. All permitted uses set forth in Article II applicable to R-AAA Districts and Article III applicable to R-AA Districts.
- B. Two-family detached dwellings,
- C. Telephone exchanges.

Since the Code references permitted uses from two other sections, those are reproduced here as well:

### *§70-5: Permitted Uses – Residence-AAA*

- A. Single-family detached dwelling.
- B. Church or other building used exclusively for religious purposes.
- C. Agriculture, provided there is no display of harvested products for sale and no advertising on the premises.
- D. Accessory use on the same lot and customarily incidental to any of the above permitted uses, including those specified in Subsections E and F.
- E. Private garage, detached or attached or within the main building.

- F. Other accessory building or structure conforming to the provisions of Article XI.
- G. Professional office of a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant, ophthalmic dispenser or musician, as defined in § 70-231, provided that the office is located in the dwelling in which said professional person resides.
- H. Outdoor pool, as set forth in § 70-102.
- I. A caretaker unit, as defined in § 70-231, located within a building or on a property designated on the National Register of Historic Places, State Register of Historic Places or designated as an individual landmark under Chapter 27 of this Code and having a portion of the building accessible to the public.

*§70-14: Permitted Uses – Residence-AA*

- A. All permitted uses set forth in Article II applicable to R-AAA Districts.
- B. A regularly organized institution of learning approved by the State Board of Regents and supported by public funds.
- C. A public library, public art gallery, public museum, municipal or volunteer firehouse, municipal park for recreation use or railway passenger station.
- D. Parish house or parochial school.
- E. Other accessory building or structure conforming to the provisions of Article XI.
- F. Outdoor pool, as set forth in § 70-102.

Zoning designations within a half-mile radius of the Subject Property are as follows:

*North:* Properties to the north are situated within the Residence - Public Housing (RPH) District, Residence-C (R-C) District, Residence-A (R-A) District, Business-A (B-A) District, Business-AA (B-AA) District, and Residence-B (R-B) District within the unincorporated area of the Town. Also north are properties classified within the Office Building (O-B) District, Residence Districts R-7, R-7C, R-9, R-9B, R-9C, and Business (B) District as designated by the Incorporated Village of Thomaston.

*East:* Properties to the east and southeast of the subject property are designated within the Residence-C (R-C) District, Residence-AA (R-AA) District, Residence-A (R-A) District, Residence-B (R-B) District, and Aquifer Protection Overlay District (APOD).

*South:* Zoning to the south of the subject property includes a parcel classified within the Residence-C (R-C) District of the Town followed by properties designated within the Economic Development ‘A’ District, Residence-C District and Residence-A District of the Village of Lake Success.

*West:* Properties to the west are located within the Residence-B and Residence-C districts.



## Environmental Conditions

Review of the following reports and applications have provided an inventory of the environmental conditions on the Site:

### *Site Characterization Report (2011)*

The Site is included under the National Grid Multi-Site Order on Consent Index Number A1-0595-08-07 between the New York State Department of Environmental Conservation (NYSDEC) and KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island, to which National Grid is the corporate successor. This Order on Consent includes 11 National Grid sites. Under the Order, the Site is referred to as the ‘Manhasset Hortonsphere Site’.

In accordance with the Order, National Grid hired GEI Consultants, Inc. (GEI) to conduct a Site Characterization (SC) to assess environmental conditions at the property. The objectives of the SC included evaluating the potential for human and ecological exposure to chemical constituents. To achieve these objectives, soil borings were drilled, groundwater-monitoring wells were installed, surface- and subsurface-soil samples, stormwater sediment samples, soil vapor samples, and groundwater samples were collected and analyzed to identify impacts that might be associated with the former Hortonsphere.

The SC found concentrations of polycyclic aromatic hydrocarbons (PAHs), a subset of semi-volatile organic compounds (SVOCs), pesticides and metals in surface and shallow subsurface soils at locations where soils were reworked, fill materials were encountered, and/or vehicles have been parked. These are not the locations associated with the prior gas operations. Concentrations of PAHs found in stormwater sediments samples appear to have originated off-site, at an up-gradient location, and were transported and deposited to the site via stormwater runoff.

A Qualitative Human Health Exposure Assessment determined that there is limited potential for exposure to PAHs, lead or chromium compounds since the site is marked with “No Trespassing” signs and is infrequently accessed. The low-level and infrequent detection of chemical constituents in surface soils did not warrant the completion of a Fish and Wildlife Resource Impact Analysis according to the NYSDEC’s guidance, and the low-level surface soil detections pose no potential threat to the site’s ecology or habitat.

### *Environmental Site Assessment Report (2013)*

In 2013, PS&S conducted a Phase I Environmental Site Assessment (ESA) for GG Acquisitions and the North Hempstead Housing Authority. The purpose of the ESA was to document Recognized Environmental Conditions (RECs) associated with both current and historic uses of the property. The scope included a review of the standard environmental record databases

provided by Environmental Data Resources (EDR) of Milford, Connecticut; inquiries to local, county, state and federal agencies; and a site reconnaissance.

The ESA report concluded that, in addition to the conditions found in the Site Characterization Report (summarized above), on-site dumping is considered to be an REC based on long-term uncontrolled site access and observed evidence of municipal and petroleum (power steering fluid, motor oil containers) waste dumping.

#### *Brownfield Cleanup Program Application (2014)*

In October 2014, the New York State Department of Environmental Conservation (NYSDEC) accepted the Site, identified as “Mount Olive Former LILCO Site”, ID#C1301822 into the NYSDEC Brownfield Cleanup Program (BCP). Community outreach and communication under the BCP has commenced as required by the application process and will continue throughout the entire remediation process. Under NYSDEC oversight, the Site will be fully investigated and a remedial work plan will be developed. The remedial work plan must include an Alternatives Analysis and is subject to a 45-day public comment period and, in some cases, public meetings.

As required, the remedial actions will be protective of the both the on- and off-site community and will be implemented with both NYSDEC and NYS Health Department oversight. When completed, a Final Engineering Report (FER) will be prepared that certifies remediation objectives have been achieved. NYSDEC will then verify the findings of the report and issue a Certificate of Completion (“COC”).

## **Description of Action**

### **Zoning Code Amendment**

The Proposed Action was preceded by an amendment to the following sections of the North Hempstead Town Code in order to enable the Olive Hill at Manhasset, the redevelopment of the former Grand Street School in New Cassel and other potential projects which may be undertaken in the future but are unknown at this time:

#### ARTICLE X1: Senior Residence District

§ 70-95.1 Purpose and Intent

§ 70-95.2. Permitted uses

§ 70-95.5. Plot area; frontage; density of population.

§ 70-95.8. Required yards and perimeter buffer area.

§ 70-95.9. Separation of buildings.

#### Article XXV: Word Usage and Definitions

§ 70-231. Definitions

Primary changes are to subsection 70-95.5.A, to allow for a reduction of the required minimum lot size from 5 acres to 2 and to subsection 70-95.1.C to include the following:

*“Developments which utilize Federal housing programs administered by the New York State Housing Finance Agency & New York State Homes & Community Renewal which provide housing tax credits for the Project shall designate developments as 55 and older in order to comply with all Fair Housing regulations as stated in Section §807(b)(2) of the Fair Housing Act in accordance with the following:*

- 1. At least 80 percent of the occupied units are occupied by at least one person who is 55 years age or older.*
- 2. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph of the Fair Housing Act*
- 3. The housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall-provide for verification by reliable surveys and affidavits; and include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause. (2) Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such.”*

## **Olive Hill Proposal**

Olive Hill at Manhasset will be a three-story, L-shaped senior independent-living facility (60,450 gross square feet). It will comprise 72 residential units (48 one-bedroom units and 24 two-bedroom units) and one community room. All units will be occupied by qualifying seniors (55 years and older). The project will utilize affordable housing tax credits administered by the NYS Department of Homes and Community Renewal.

The complex will have 97 parking spaces. Of the total number, 44 spaces will be located within an open-walled garage under the southern portion of the main building ( $\pm 11,803$ -square feet). The remaining 53 spaces will be provided in an outdoor lot ( $\pm 16,183$ -square feet), configured adjacent to the central and southern portions of the building. A turnaround area is provided at the west end of the parking lot located in front of the building.

A new 24-foot wide, bidirectional access driveway on Community Drive (on the eastern portion of the Site), will provide ingress and egress to both parking areas and the entrance to the building. A second access point located on High Street will be restricted for emergency access only and connect to an emergency fire lane situated along the west side of the building.

Retaining walls will be constructed along the main access drive as well as along the west and south perimeter. Evergreen plantings will be installed along the retaining walls. In addition, there will be a 23-foot wide landscaped buffer along the north side of the property that will provide a natural screen for the building and the single-family houses presently situated along High Street.

The project has been conceived to maximize the preservation of vegetation and open space. Approximately 0.26-acres of landscaping will remain in its natural state within the eastern portion of the site. Approximately 1.48-acres of new landscaping will be installed. Of the 1.48-acres of landscaping, approximately 0.17-acres will be dedicated as passive open space for the residents. New plantings will be strategically located to screen the building from nearby residences and from Community Drive. Ornamental landscaping will be installed along the perimeter of the building and evergreen screening, i.e., Serbian spruce and Chinese Juniper, will be installed adjacent to the retaining walls. Typically, these evergreen plantings will reach heights of 60 feet and 25 feet, respectively.

Olive Hill at Manhasset will be connected to an existing sanitary sewer main located on High Street, serviced by the Great Neck Water Pollution Control District. Water service will be provided by the Manhasset-Lakeville Water District through existing mains on High Street and Community Drive. Stormwater will be collected and recharged through an on-site drywell system.

## Alternatives Analysis

To understand how impacts have been minimized or avoided and to weigh the impacts of the Proposed Action against other potential alternative uses for the site, the following alternatives were considered:

- No Build: The Proposed Action is not approved and the site remains vacant;
- As-of-Right Alternative: Full build-out of single-family homes under the current zoning designation (Residence-C);
- Maximum Density Alternative: Full build-out under the proposed Senior Residence District;

The three alternatives are compared in the table below:

<b><i>Comparison Table of Prevailing R-C Zoning Designation and Proposed action</i></b>				
Reference Response # 24 of FEIS				
<b><i>Impact Description</i></b>	<b><i>No-Build</i></b>	<b><i>As-of-Right</i></b>	<b><i>Proposed Action</i></b>	<b><i>Maximum Density</i></b>
<i>Zoning District</i>	R-C District	R-C District	SR District	SR District
<i>Total Site Acreage</i>	3.19± acres	3.19± acres	3.19± acres	3.19± acres
<i>Number of Units</i>	0	27 single-family homes	72 apartments (age restricted)	127 apartments (age restricted)
<i>Peak Hour Traffic (Saturday)</i>	0	27	23	39
<i>Impervious Areas</i>	0.006± acres	2.8± acres	1.45± acres	1.45± acres
<i>Forested Area</i>	3.0± acres	0± acres	0.26± acres	0.26± acres
<i>Meadow Area</i>	0.184± acres	0± acres	0± acres	0± acres
<i>Lawn/Landscape Area</i>	0± acres	0.39± acres	1.48± acres	1.48± acres
<i>Slope (0 to 15 percent)</i>	1%	30%	20%	20%
<i>Slope (15 to 30 percent)</i>	18%	60%	60%	60%

<i>Construction on Steep Slopes (&gt; 30%)</i>	81%	10%	20%	20%
<i>Property Taxes (annual)</i> <i>Applicants estimate of yet to be proposed PILOT (Payment in-Lieu of Taxes)</i>	\$5,752.67(2014)	\$283,500	\$35,000	\$62,000
<i>Potable Water and Irrigation</i>	0	8,100 gpd	16,800 gpd	30,500 gpd
<i>Sewage Discharge</i>	0	8,100 gpd	16,800 gpd	30,500 gpd
<i>Potential population</i>	0	101	90	101
<i>School Enrollment</i>	0	31	0	0

Other than maximizing tax revenues, the Olive Hill proposal has significantly fewer detrimental impacts than the two other ‘build’ scenarios.

### **Construction Activities**

It is anticipated that construction of the Olive Hill at Manhasset will commence in 2015 and be completed by 2017.

A Storm Water Pollution Prevention Plan (SWPPP) is required by the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0- 10-001) prior to any site disturbances of greater than one acre. A Sediment and Erosion Control Plan will be prepared as part SWPPP and will identify all measures to conform to the New York State Standards and Specification for Erosion and Sediment Control. Erosion control devices must be installed prior to commencing any construction activities and must remain in place until all disturbed areas are stabilized. Such practices often include seeding or mulching for surface stabilization, silt fences, haybale dikes, and water quality swales. Maintenance must be performed as necessary to ensure continued stabilization.

Preconstruction site preparation would begin with clearing the site to remove vegetation where necessary, preparing material laydown areas, installing security fencing with access gates, and setting up construction trailers with temporary power. Regrading would be accomplished using a cut and fill technique in the upper portion of the topsoil. This would involve the use of heavy earth-moving equipment for an extended period of time. Such equipment would include dump trucks, tractors, backhoes, pavers and vibratory rollers. Whenever possible, topsoil from excavated areas would be stockpiled for possible re-use. Excess soil would be removed from the site by truck to a licensed landfill or recycling facility. If any soil containing petroleum or other contamination is discovered during excavation, it must be segregated and disposed of in accordance with all applicable federal, State, and local regulations and guidelines.

Concrete will then be brought onsite via truck to construct the foundations. If piles are required, vibration monitoring would take place during piledriving activities to ensure surrounding buildings are not disturbed. Next, the structural frame and exterior façade will be erected. Construction of the exterior enclosure, or “shell” of the building would include the installation of the beams and columns, floor decks, façade (exterior walls and cladding), and roof. The paving of the parking areas, including at-grade and decked parking, would follow.

In the final months of construction, the drainage system will be installed; interior finishing would also proceed, including the construction of interior partitions, installation of lighting fixtures, interior finishing (flooring, painting, etc.), and mechanical and electrical work. During this time, most work would occur inside, and operation of heavy on-site equipment would be infrequent. As interior construction nears completion, final site work would commence, including driveway paving and landscaping.

The site has been accepted into the State Brownfield Cleanup Program (BCP) overseen by NYSDEC. Prior to the commencement of construction activities, NYSDEC will conduct a site investigation to ensure the site is ready for residential reuse. If, during construction, staining, odors, or other evidence of environmental impacts are noted by field personnel, appropriate measures will be taken to avoid a hazard to human health. These measures may include testing, remediation or monitoring to assure that the construction workers, the public, abutting uses and the environment are not adversely affected. Any required federal, State, and local agencies will be notified in a timely manner.

## **Site Management**

‘Site Management’ is the last phase of the Brownfield Cleanup Program (BCP) and begins when the Certificate of Completion (COC) is issued. Site management may be necessary, under NYSDEC oversight, if any contamination is to remain in place. Site management incorporates any institutional and engineering controls required to ensure that remedial actions remains protective of public health and the environment. All significant activities would be detailed in a Site Management Plan. Site Management would continue until NYSDEC determines that it is no longer needed. At this time, it is not yet known what, if any, institutional or engineering controls will be required.

### **Findings Concerning Relevant Environmental Impacts**

The Town Board makes the following findings on relevant environmental impacts from the proposed Change of Zone and subsequent development of the Olive Hill at Manhasset:

#### **Impacts on Land (Geology, Topography and Soils)**

*The Town Board finds that the proposed action may have a potentially significant adverse impact on the land.*

Impacts on the land will stem primarily from construction activities including the erection of the building and retaining walls, related regrading and earthwork, paving the access road and surface parking. These impacts result from the steep topography and the considerable amount of regrading that will be required. Approximately 20 percent of the property can be considered relatively level, with slopes between 0 to 10%, located in the western and northern portions of the site. A majority of the property, 60 percent is considered moderately sloped, located in the eastern and some central portions and the remaining 20 percent are steep slopes between 15 percent or greater, located in the southern and south-central portions. As reported in the Appendix I of the Phase I Environmental Site Assessment (ESA), there are semi-volatile organic compounds (SVOCs) in the upper 5 feet of topsoil. Present levels of onsite contamination would not allow for the construction of residential structures without significant remediation.

#### **Mitigation:**

As stated above, the site has been accepted into the NYS Brownfield Cleanup Program (BCP) and will be remediated to a residential reuse standard under State oversight. Activities related to the BCP must include, but are not limited to, the following:

- Dispose of any contaminated excavated material separately in accordance with all applicable regulations.
- Use only certified clean fill.
- Proper precautions must be in place to ensure that materials will not be spilled onto public thoroughfares, and that if any materials are dropped onto public thoroughfares, such materials will be promptly removed.
- Dust control measures, including water application or mulching, will be implemented to prevent dust migration off-site – dust control measures may not include the use of chemical additives.
- Soil waste will be disposed of in accordance with all applicable regulations; dumpsters and containers will be covered and emptied regularly.



- Clean portable toilets will be kept onsite at all times during construction, and their contents will be disposed of properly.
- Any stockpiled building materials must be properly stored and/or contained.

## **Impacts on Surface Water, Groundwater Resources & Stormwater Management**

*The Town Board finds that the proposed action may have potentially significant adverse impacts on Stormwater Management.*

The Town Board notes that no existing surface waters or streams are located on or immediately adjacent to the Site. The closest body of water is Whitney Lake, located approximately 0.15 mile northeast of the Site boundary. Whitney Lake is a 7.1 acre waterbody within the 24-acre Whitney Pond Park, located east of Community Drive and is bordered to the north by Northern Boulevard. Whitney Lake is classified by the NYSDEC as an impaired waterbody segment and is a Class C lake designated for non-contact recreation. Additionally, the Site is located just west of the North Hills Special Groundwater Protection Area (SGPA) as identified by the Long Island Comprehensive Special Groundwater Protection Area Plan (SGPAP). However, the eastern portion of the Site is located within a NYSDEC CheckZone. A CheckZone is roughly a 500-foot buffer surrounding a NYSDEC mapped wetland where the actual wetland may occur. The Site is not located within a Special Flood Hazard Area, as identified by the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map. As such, the Town Board finds there will be no significant impact due to the Proposed Action on Surface or Groundwater Resources.

However, as reported in Appendix I of the Phase I Environmental Site Assessment (ESA), there are semi-volatile organic compounds (SVOCs) in the upper 5 feet of topsoil. During regrading operations, soils will be exposed to potential erosion and will require proper management.

### **Mitigation:**

#### *Sediment and Erosion Control*

The Project Sponsor will prepare a Sediment and Erosion Control plan as part of a Storm Water Pollution Prevention Plan (SWPPP). This plan must be consistent with the New York State Standards and specifications for Erosion and Sediment Control (NYSDEC, 2005). In addition, this plan must include, but is not limited to the following:

- Implementation of control measures and Best Management Practices (BMPs) to abate and control potential pollutants and sediment transport in storm water discharges from the construction site;

- Stabilize construction entrances to minimize the amount of sediment deposited on public roads by construction vehicles leaving the site;
- Installation of temporary sediment basins, as necessary, to minimize erosion and sedimentation caused by stormwater runoff;
- Silt fencing along toes of embankments, on downstream portions of the site perimeter, and around soil stockpiles. Slopes greater than 15% will have two layers of silt fencing installed;
- Stormwater detention basins sized in accordance with the New York State Stormwater Management Design Manual;
- Minimization of the amount of bare soil exposed at any one time;
- Onsite reutilization of excess soil from “cut areas” as practicable;
- Locating fill and spoil areas to avoid excessive siltation;
- Stabilization of stockpiles and disturbed portions of the site where construction activity temporarily ceases for at least 21-days by covering with plastic or by seeding and mulching;
- Stabilization with topsoil and permanent seeding no later than 14 days after the last construction activity of the disturbed portion of the site where construction activities permanently cease, and proper grading and scarification of subsoil;
- Removal of temporary erosion control devices when the site is stabilized.

In addition to controlling the stormwater conveyance of materials, the Contractor must also control sources of non-stormwater discharges associated with construction activities by properly identifying, using, and monitoring on site areas for construction vehicle transit and equipment staging where runoff can be controlled, by using proper quantities and proper equipment for application of dust-control water to avoid runoff, and by cleaning construction vehicles and equipment only at stabilized construction areas and without using chemicals or detergents.

To maintain the effectiveness of the SWPPP, the Contractor will be required to:

- Inspect the Site at least every 7 days, and within 24 hours of a storm event of 0.5-inches or greater that occurs within a 24-hour period;
- Clean, repair and/or replace silt fences, drainage swales, or other stormwater management facilities as necessary;
- Clean and/or sweep affected roadways as necessary; and
- Remove all debris and litter.

### *Stormwater Collection System*

The Proposed Action will cause an increase in the amount of impervious surfaces. By Town Code, a stormwater collection and recharge system is required to mitigate any impacts due to runoff. This stormwater collection system is subject to the following requirements:

- Runoff from site access drives, parking areas and walkways will be collected using catch basins and will be piped to drywells;
- Roof runoff will be piped directly to underground drywells;
- A portion of runoff should be conveyed to rain gardens, bio swales, bio retention cells or similar elements.
- All stormwater must be contained within the site; no runoff may enter the municipal drainage system or flow onto adjacent properties;
- Proper maintenance must be conducted to ensure the long term performance of the drainage system.

### *Water Conservation*

The Town Board will require the Proposed Action to be committed to water conservation and to implement Best Management Practices including, but not limited to the following:

- Incorporate water efficiency and conservation in construction specifications.
- Use high-efficiency plumbing fixtures and integrate other water-saving devices into buildings.
- Design the landscaping for water efficiency through the use of native plants that are tolerant of local soil and rainfall conditions.
- Use a high-efficiency irrigation system to the extent that irrigation is required.

### **Impacts on Air Quality**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts on air quality.*

Impacts to air quality will primarily stem from the construction activities and the additional site-generated increase in traffic volumes. With regard to construction, the Town Board expects the Project Sponsor to adhere to best management practices in order to minimize temporary air quality impacts, including, but not limited to, dust monitoring, limited idling time, and adequate fencing or other measures to minimize the amount of debris and impacts of wind-borne dust.

Based on a review of the Project Sponsor's traffic impact analysis, anticipated volumes are not high enough cause significant impacts to ambient air quality. An assessment of the potential effects on carbon monoxide (CO) concentrations was performed following procedures outlined in the New York State Department of Transportation (NYSDOT) Environmental Procedures

Manual (EPM), January 2001. Two of the three intersections studied are projected to operate at an overall Level of Service (LOS) of ‘C’ or better for both the *No-Build* and *Build* conditions, and therefore do not require further screening. The third intersection analyzed, the intersection of Community Drive at North Shore Hospital, has a projected Intersection Capacity Utilization (ICU) LOS of ‘D’ for both the *No-Build* and *Build* conditions for the morning peak hours. The increase in traffic volumes due to the Proposed Action is much lower than the Capture Criteria threshold of a 10% increase in traffic volume. Therefore, the intersection does not require further analysis.

**Mitigation:** The Town Board finds that no specific or additional mitigation measures are necessary for this impact.

### **Impact on Noise, Odor, and Light**

*The Town Board finds that the Proposed Action will not have any potentially significant adverse impacts affecting noise, odor, and light.*

Impacts affecting noise, odor, or light will be primarily confined to the construction phase. The Town Board expects the Project Sponsor to adhere to best management practices in order to minimize these temporary impacts. It should be noted that under Section 38-3 of the North Hempstead Town Code, noise disturbances from construction activities are highly regulated and restricted, i.e., “the erection, including excavation, demolition alteration or repair, of any building, and the operation or permitting the operation of any tools or equipment used in such work” between the hours of 6:00 PM the previous day to 7:30 AM on weekdays. Construction activities are restricted on weekends and legal holidays with the exception for cases of emergencies that are of concern for public safety.

**Mitigation:** The Town Board finds that no specific or additional mitigation measures are necessary for this impact.

### **Impacts on Plants and Animals**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts on natural resources.*

The Proposed Action is expected to displace approximately 2.74 acres of existing vegetation. A site reconnaissance was conducted by GEI consultants between 2007 and 2011 that identified the

existing plant and animal species. Based on a review of the United States Fish and Wildlife Service (USFWS) listing of endangered and threatened species for New York, none of the plant and animal species identified are threatened or endangered. The Town Board notes that site conditions have not appreciably changed since this reconnaissance was conducted and therefore a revised investigation is not needed at this time. The investigation included a letter, dated October 21, 2014, to the New York Natural Heritage Program within the New York State Department of Environmental Conservation requesting information on Threatened and Endangered Species, and Rare and Exemplary Community.

The Town Board will require the vegetation in non-construction areas (approximately 0.26 acres) to be protected to the extent reasonable during the construction of the Proposed Action., that tree and shrub removal will be kept to the minimum necessary, including but not limited to the following:

- A limit of disturbance for construction activities will be established and marked across the property to protect all vegetation outside of this boundary. These limits will be delineated with fencing or similar marking devices, No significant trees in healthy conditions beyond these limits will be disturbed.
- Landscape species will be chosen for their hardiness to the local climate and in the proposed setting of the site, and include native regional landscaping species.

**Mitigation:** The Town Board finds that no critical habitats are located at or near the project site and no specific or additional mitigation is required for this impact. The Board acknowledges that some loss of vegetation will occur due to construction activities but finds that the Project Sponsor has minimized impacts to the maximum extent practicable

### **Impact on Human Health**

*The Town Board finds that the proposed action may have potentially adverse impacts to human health.*

As reported in the Phase I Environmental Site Assessment (ESA), there are semi-volatile organic compounds (SVOCs) in the upper 5 feet of topsoil. Currently, there is no onsite drainage system to manage runoff from these contaminated soils. Additionally, as detailed in the *Impacts on Land (Geology, Topography and Soils)* section above, present levels of onsite contamination would not allow for the construction of residential structures without significant remediation.

**Mitigation:** The Town Board finds that the planned remediation of the site, under the Brownfield Cleanup Program (BCP) will make the Site suitable for residential use and will

insure runoff does not leave the Site. Detailed mitigation activities have been listed above in the *Impacts on Land (Geology, Topography and Soils)* and *Impacts on Surface Water, Groundwater Resources & Stormwater Management* sections.

### **Impacts on Aesthetics and Cultural Resources**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts upon the area's visual quality or community character.*

Aesthetic resources in the surrounding area include Manhasset Valley Park, Whitney Pond Park and Whitney Lake. These resources provide scenic views of Manhasset Bay and the Long Island Sound. The Proposed Action is not anticipated to interfere with or reduce the appreciation or appearance of these local parks. Views from the parks will not be affected by the Proposed Action since the parks are largely forested. In addition, several properties in the surrounding area are developed with similar residential apartment complexes at comparable heights. The Town Board will require a visual simulation of the proposed development from different public vantage points during site plan review.

The site is situated within Long Island North Shore Heritage Area (LINSHA). The boundaries of the Area extend west to east from Great Neck to Orient Point, and north to south from the Long Island Sound to the Long Island Expressway or to Jericho Turnpike (whichever is locally further south). There are 65 towns, villages and a city located within the boundaries of the North Shore Heritage Area. The Proposed Action does not appear to conflict in any way with the stated objectives of the Long Island North Shore Heritage Area.

Based on a review of the New York State Historic Preservation Office (NYSHPO) database, no properties on or adjacent to the subject property as well as within a ¼-mile radius are listed on the aforementioned registry. The Site is within a ¾ mile radius from the A.M.E. Zion Church and Cemetery, which is landmarked by the Town of North Hempstead. However, the proposed development will not be visible from the landmarked location.

**Mitigation:** The Town Board finds that no specific or additional mitigation measures are necessary for this impact.

### **Impact on Open Space and Recreation**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts upon open space and recreation.*

The Subject property is privately owned and is not used, either informally or formally, by the community as an open space resource. Additionally, there are both public and private open spaces and recreational spaces in the vicinity, including Whitney Pond Park, Manhasset Valley Park and Fresh Meadows County Club. The Proposed Action, therefore, does not result in a loss of current or future recreational resources nor does it eliminate an open space resource or recreational resources in an area with few such resources.

**Mitigation:** The Town Board finds that no specific or additional mitigation measures are necessary for this impact.

### **Impact on Traffic and Transportation**

*The Town Board finds that the proposed action may have a potentially significant adverse impact on traffic and transportation.*

The Subject Property has frontage along Community Drive, a County roadway with high traffic volumes due to retail, various community services, and North Shore University Hospital. Additionally, Community Drive receives an influx of traffic during the commuter peak hours due to the entrance to the Long Island Expressway. A traffic engineering analysis was completed by Mulryan Engineering in August 2014 to analyze the roadway network surrounding the site and potential traffic impacts of the future ‘build’ conditions. The level of service and capacity analysis is based on the methodologies presented in the Highway Capacity Manual (HCM 2000). Capacity analysis quantifies the maximum hourly rate at which vehicles can reasonably be expected to pass through an intersection under prevailing traffic, roadway and signalization conditions. Level of Service (LOS) is a measure of total delay in terms of driver discomfort, frustration, fuel consumption and increased travel time. LOS is presented as delay in seconds per vehicle and ranges from A through F, with A representing the shortest delay and F representing the longest. Based on the analysis, no significant impact to the level of service was calculated for any of the three study intersections. Generally, LOS A through C and mid-LOS D or better is considered to be an acceptable condition. For the *Build* condition, all intersections were determined to have an LOS of D or better for the AM peak, PM peak and Saturday peak hours, and are generally consistent with the existing LOS or of the *No Build* condition.

The Town Board finds the report to be consistent with accepted standards and practices of traffic engineering. The Town Board further notes that the traffic report was forwarded to and reviewed by the Nassau County Department of Public Works.

There will be no significant impact to the LOS on the surrounding roadway network. The Town Board finds that development of the subject property as a 72-unit senior residence will generate fewer peak-hour vehicular trips than if the property were to be developed under its present zoning designation.

Site access, however, is a potential problem as High Street is a local street with substandard width (pavement width averages 22' where 30' is standard) and a number of parked vehicles along the curb. There is a traffic signal on Community Drive that does not line up with the site entrance. Relocation of this signal is required.

### **Mitigation:**

Based on the review of the Traffic Engineering Report, prepared by Mulryan Engineering, the Town Board will require the following measures to mitigate the impact on Traffic (all traffic signal and intersection modifications will require approval from the Nassau County Department of Public Works):

- Driveway to the Proposed Development must align with the existing intersection at Community Drive and Community Drive East and will be the main entrance to the site. The secondary entrance will be for emergency access only and will be gated.
- A new traffic signal must be installed at the intersection of Community Drive and Community Drive East. The design will include a dedicated left turn storage lane, for vehicles turning left into the site. If required by the Nassau County Department of Public Works, a northbound left turn phase will be incorporated into the traffic signal design.

Additionally, construction activities will cause some impacts from the increase in local truck traffic due to the delivery and removal of construction materials and equipment from the site. The Town Board will further require that:

- Loading and unloading of construction materials only occur at designated onsite staging areas.
- The construction access be controlled by the traffic signal upon completion of the driveway improvements.
- Construction vehicles arrive on the site prior to the normal commuter peak hours and leave before the evening peak hours. Materials will be removed from or delivered to the site only at non-peak hours.
- All contractors are required to conform to the applicable safety regulations mandated by the State, County, and Town.
- The Project Sponsor work with the County and Town to implement/maintain pedestrian safety features at the intersection of Community Drive and East Community Drive, as well as along the site frontage. This will allow the community a safe means to walk to/from Whitney Pond Park and Manhasset Valley Park.



## **Impacts on Land Use, Zoning and Public Policy**

*The Town Board finds that the proposed action will not have potentially significant adverse impacts upon land use and zoning and is consistent with existing public policy as documented in the Town Master Plan and County Comprehensive Plans.*

The Proposed Action is consistent with current land use policy. Chapter 70, Article X1 of the North Hempstead Town Code: Senior Residence District (R-S) states the purpose of the R-S zone is to provide “specialized housing facilities for senior citizens to meet the special housing, health care, social and recreational needs of this segment population”. In addition, the Nassau County Comprehensive Plan (1998) identifies a major goal is to “maintain an adequate supply of housing to meet anticipated needs affordably, additional housing units will need to be developed and/or redeveloped in the coming years.” The 2008 Master Plan Update further addresses the significant concern for the need to support an increase in senior affordable housing: “In an effort to promote affordable housing opportunities for seniors who want to remain in their communities, but are no longer willing or able to reside in single-family homes, several of the towns, cities and villages in the County have amended their zoning codes.” As discussed in the Zoning Review of the 2008 Master Plan Update, the Town of North Hempstead specifically adopted its ‘Senior Residence’ zoning district with the intent of promoting the construction of multiple-unit senior housing.

## **Mitigation:**

The Town Board finds that the siting and the design of the facility, together with the construction measures and operational controls will reduce potential impacts to nearby residential uses and zoning and no specific or additional mitigation activities are necessary for this impact. The Town Board notes that based on the alternatives analysis, the Proposed Action will produce fewer demands in the following areas than the current as-of-right yield (maximum of 27 single-family homes): lower peak-hour traffic generation rates, less impervious area, more landscaped areas, and a lower projected population.

## **Impacts on Utilities, Solid Waste, and Energy**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts upon utilities, solid waste, and energy.*

## **ENERGY (ELECTRICITY AND NATURAL GAS)**

PS&S, in letters to PSEGLI and to National Grid dated August 5, 2014, inquired about the availability of electric and gas service. In a letter dated August 27, 2014, PSE&G stated they have sufficient capacity to provide service. It is not anticipated that anything other than a routine service connection will be needed to provide electricity. Although it is not known at this time whether the Project Sponsor is seeking a LEED certification, it is expected that the building will utilize high efficiency lighting, heating systems and appliances in accordance with current industry standards and practices.

Regarding gas service, there is sufficient capacity in the surrounding road mains. A final determination of pressure class availability will be made by National Grid as the design loads are finalized.

### *SANITARY SEWERS*

PS&S, in a letter to the Great Neck Water Pollution Control District dated August 5, 2014, requested verification of sewer availability for the Proposed Action based on a 24,600 gallon per day (gpd) estimated discharge rate. Subsequent to this correspondence, the wastewater demand was reduced 16,800 (gpd). PS&S sent a revised letter to the District dated November 10, 2014 requesting the sewer availability for the Proposed Action. The District provided a response in the form of a letter dated November 18, 2014, indicating that sewer capacity is sufficient for the Proposed Action. It should be noted that the District recently completed a major upgrade of their treatment plant that included a consolidation with the former Great Neck village plant, a significant increase in capacity and technical upgrades to reduce nitrogen levels in the effluent.

### *WATER SERVICE*

PS&S sent a letter dated August 5, 2014 to the Manhasset-Lakeville Water District requesting the availability of water service for the Proposed Action. H2M, engineers for the District, responded in a later dated October 16, 2014. This letter provided the verification of water availability along with some required improvements to the water main facilities in the vicinity of the proposed development. Subsequent to this correspondence, the water demand value was reduced by PS&S from 24,600 gallons per day to 16,800. This change was based on the Nassau County Department of Public Works minimum design flow rates of one bedroom unit designed at 200 gpd and each additional bedroom designed at an additional 100 gpd.

### *SOLID WASTE*

Solid waste disposal and recycling services will be provided by private carting companies.

### **Mitigation:**

The Town Board finds that the Project Sponsor has contacted the relevant local utilities and has confirmed that adequate capacity exists to meet the projected demand. No specific or additional mitigation actions are required for this impact.

### **Impacts on Community Facilities and Services**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts upon Community Facilities and Services.*

The projected potential increase in resident population is 94. This figure is not expected to exceed the capacity of the local community services.

#### *POLICE*

The Third Precinct of the Nassau County Police Department reviewed the documents submitted by PS&S via a letter dated August 5, 2014. They stated in their response letter of September 26, 2014 that they have sufficient resources to meet the needs of development, in the form of providing regular uniform patrols as well as occasional ambulance transports and detective services.

#### *FIRE PROTECTION*

The Manhasset-Lakeville Fire Department operates eight Class 'A' pumpers (those with a rated pumping capacity of at least 750 gpm), four aerial devices (two of which have additional pumping capacity), three rescue trucks and two ambulances from five stations. The closest station is Company No. 2 located on Community Drive East only 1300 feet from the subject property. Companies 2 and 4 (located on Northern Boulevard near Jayson Street) each have aerial towers capable of reaching the roof of the proposed building. Sufficient capacity exists for fire suppression and emergency medical response.

#### *EDUCATION*

The Proposed Action will not generate any school-aged children and will therefore not increase enrollments.

#### *RECREATION*

Recreation facilities are likely to experience minor increases in participation and the number of visitations. This may be considered to be a beneficial impact.

## *PUBLIC TRANSPORTATION*

Although bus service (Nassau Inter-County Express) and the Long Island Rail Road are both available within a mile of the subject property, an age-restricted senior development will not generate a significant number of new riders nor will the presence of these transit options greatly reduce the volume of site-generated vehicular traffic.

### **Mitigation:**

The Town Board finds that no specific or additional mitigation measures are necessary for impacts related to community facilities and services.

### **Impacts on Socioeconomic Conditions**

*The Town Board finds that the proposed action will not have any potentially significant adverse impacts upon socioeconomic conditions.*

The redevelopment of a previously vacant site results in beneficial economic impacts and often an overall benefit to the community. The Proposed Action would increase local and State income and sales tax revenue. An estimated 4 permanent jobs are expected to be created.

The subject property is located within an Environmental Justice Area, NYSDEC defined Potential Environmental Justice Areas as year 2000 U.S. Census Block Groups in which at least 51.1% of the population reported themselves to be members of minority groups. The site's inclusion in the NYS Brownfield Cleanup Program, and the resulting remediation to residential suitability, is a benefit to the surrounding community. The site itself is currently vacant with no associated use or population. The change in land use will not displace any persons or remove a public use. As stated earlier, the Project Sponsor intends to use State affordable housing tax credits. To qualify for the credits, a minimum of 20% of the units must be made available to seniors earning less than 60% of the Area Median Income (AMI), defined for the "Nassau-Suffolk HUD Metro FMR Area". For the one- and two-bedroom units, 60% of AMI would be approximately \$50,460 and \$56,760 respectively. The Project may also include a percentage of market rate units; the exact number of which will be contingent on available financing options.

**Mitigation:** The Town Board finds that no specific or additional mitigation measures are necessary for this impact.

## **Unavoidable Adverse Impacts**

*The Town Board finds that the proposed action may result in some adverse impacts that cannot be avoided but these unavoidable adverse impacts have been sufficiently mitigated.*

Development of the Proposed Action may result in some adverse impacts that cannot be avoided. Some of these will be temporary or short-term impacts associated with the construction phases of the project, while others will be impacts associated with the long term operations. The Town Board finds that potential adverse impacts associated with the project will be appropriately mitigated and it is believed that long-term positive environmental, societal, and economic benefits will outweigh any unavoidable adverse impacts.

## **Growth Inducing Aspects**

*The Town Board finds that the proposed action will satisfy the increasing demand for affordable senior housing, and that the project may lead to positive economic growth.*

The Olive Hill at Manhasset will provide affordable housing options for seniors within the Town and surrounding areas. Although a small increase in local population may result from the Proposed Action, it is not expected to significantly increase the demand for community facilities and services. Nor will the project induce a large number of similar projects as the number of qualifying properties of at least two acres is extremely limited.

The Proposed Action will boost construction employment in the short-term and a slight increase in demand for local goods and services over the long term. The Project Sponsor estimates that the Proposed Action would create 75-90 temporary construction jobs and 4 permanent jobs.

## **Irreversible and Irretrievable Commitments of Resources**

*The Town Board finds that the proposed action will result in an irreversible and irretrievable commitment of resources but these commitments of resources have been mitigated sufficiently to prevent any resulting significant adverse impacts.*

The proposed development will commit the presently vacant site to a residential use for the foreseeable future. Natural and man-made resources will be utilized for the development of the Site. The commitment of resources for construction of the project will include:

Approximately 2.94 acres of existing vegetation and trees will be lost and/or disturbed through the project development.

- Use of labor;
- Use of construction materials which are non-retrievable; and
- Use of non-renewable vehicle and equipment fuels.

Operation of the new senior housing development, once completed, will commit the following resources:

- Potable water;
- Wastewater treatment capacity; and
- Electricity

## **Findings and Conclusions**

In summary, the Findings and Conclusions of the North Hempstead Town Board are as follows:

1. The Board deems it appropriate that the Applicant comply with the conditions contained in this Statement of Findings as well as any conditions imposed by the Town Board in the upcoming detailed site plan reviews;
2. The Applicant must comply with NYSDEC and New York State Health Department during the cleanup action, construction, and continued site management as it relates to the Brownfield Cleanup Program to make the Site acceptable for Residential Development; When the cleanup activities are complete, a Final Engineering Report (FER) must be issued that certifies that cleanup requirements have been achieved.
3. The Applicant must perform a visual simulation of the proposed development to further evaluate any proposed impacts on Open Space and Aesthetics. The simulation must be performed from all public vantage points where people would potentially view the site. If any impacts are found during review of the visual simulation, the Applicant would be required to resolve any impacts by implementing mitigation measures
4. A Storm Water Pollution Prevention Plan (SWPPP) is required by the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0- 10-001); to maintain the effectiveness of the SWPP, the contractor shall: (1) inspect the site every 7 days and within 24 hours of a 0.5 inch or greater storm event; (2) clean/repair/replace silt fences, drainage swales or other stormwater management facilities as necessary; (3) clean and/or sweep affected roadways as necessary; (4) remove debris and litter.
5. Due to the Site's location within a NYSDEC CheckZone, additional investigation is necessary to determine if the eastern portion of the Site is with the NYSDEC regulated area adjacent to the wetland. If so, the contractor must comply with all mitigation requirements as determined by the New York State Department of Environmental Conservation.
6. The applicant must comply with Construction Best Management Practices to reduce any air quality, noise, odor, or other impacts associated with the construction of the Proposed Action. The loading and unloading of materials will only occur at on-site staging areas. Upon completion of the driveway improvements construction traffic will be controlled by the traffic signal. Construction vehicles will arrive on site prior to normal commuter peak hours and leave before evening peak hours; materials will be removed or delivered only during non-peak traffic times
7. The Town Board will require the vegetation in non-construction areas (approximately 0.26 acres) to be protected to the extent reasonable during the construction of the Proposed Action and that tree and shrub removal will be kept to the minimum necessary, including but not limited to the following: (1) A limit of disturbance for construction activities will be established and marked across the property to protect all vegetation outside of this boundary. (2) These limits will be delineated with fencing or similar marking devices (3) No significant trees in healthy conditions beyond these limits will be disturbed. (4) Landscape species will be chosen for their hardiness to the local climate and in the proposed setting of the site, and include native regional landscaping species.

8. Driveway to the Proposed Development must align with the existing intersection at Community Drive and Community Drive East and will be the primary vehicular access to the site. The secondary access, on High Street, will be restricted to emergency access only.
9. A new traffic signal must be installed at the intersection of Community Drive and Community Drive East. The design will include a dedicated left turn storage lane, for vehicles turning left into the subject site. If required by the Nassau County Department of Public Works, a northbound left turn phase will be incorporated into the traffic signal design for this project.
10. The applicant will work with the County and Town to implement/maintain pedestrian safety features at the intersection of Community Drive and East Community Drive, as well as along the site frontage.



**Certification To Approve/Fund/Undertake :**

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Name of Agency

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

Address of Agency:

\_\_\_\_\_